

the composition. These additives are not conventionally black and therefore are now recited separately from the blackening agents. Claims 2, 4, 6 and 9 have been amended to specify that the pavement dressing conditioner comprises the bituminous pavement rejuvenator and tar. Further details on the pavement dressing conditioner can be found in U.S. Patent Nos. 3,261,269 and Reexamination Certificate 4,661,378 which are incorporated by reference into this application on pages 3-4 of the specification.

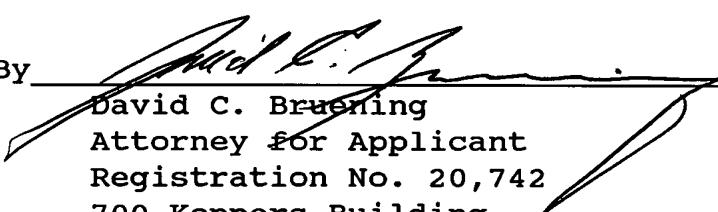
Claims 1, 8 and 9 stand rejected under 35 U.S.C. §102(e) for anticipation by U.S. Patent No. 4,661,378 to McGovern. Independent claims 1 and 8 have been amended to specify that the bituminous pavement rejuvenator is present in the present invention in the relative amount of about 77-99 weight %. Support therefor can be found at least on page 9 of the specification. The McGovern patent discloses a composition having only 15-35 weight % bituminous pavement rejuvenator and thus does not anticipate claims 1, 8 or 9 as amended.

In view of the foregoing, it is believed that claims 1-12 are patentable over the prior art of record and are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of claims 1-12 are respectfully requested.

Respectfully submitted,

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